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NO. 99-648-B

Kathy Faulkner

MR. GATTI'S, INC.,

Plaintiff,

v.

RICHARD BARSNESS,

Defendant.

§ IN THE DISTRICT COURT OF
§
§
§
§ KERR COUNTY, TEXAS
§
§
§
§ 198th JUDICIAL DISTRICT

ORDER ON DEFENDANT'S MOTION TO EXCLUDE EVIDENCE

On this 28th day of July, 2003 the Court heard Defendant's Motion to Exclude Evidence ("Motion") and the objections lodged therein. After examining the Motion, considering the objections, and hearing the arguments of counsel, the Court Orders the following for each category of evidence in Defendant's Motion:

Category of Offered Evidence

1. Any reference to the arbitration award of October 28, 2002:

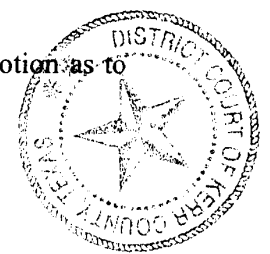
The Court grants the Motion to the extent of the Order confirming the award and therefore Plaintiff may not introduce or reference this Court's Order confirming the award. Defendant's Motion as to the remainder of issue 1 is denied.

2. Any reference to the arbitration awards of May 3, 2002 and July 2, 2002:

Plaintiff has agreed to issue 2 and therefore the Court grants Defendant's Motion as to issue 2.

3. Any reference to Barsness' activities with John Parlet of California:

Defendant's Motion as to issue 3 is denied.



The document to which this certificate is affixed, containing 2 pages, is a full, true and correct copy of the original on file and of record in my office.

ATTEST: Oct. 9, 2007
LINDA DECKER, District Clerk
Kerr County, Texas
Barbara Garcia

4. Any testimony of Pam Shaefer:

Defendant's Motion is granted as to Plaintiff's case in chief. The Court is reserving ruling regarding testimony of Pam Shaefer that may be elicited in Plaintiff's rebuttal case.

5. Any testimony of George Kash:

Defendant's Motion is granted as to Plaintiff's case in chief. The Court is reserving ruling regarding testimony of George Kash that may be elicited in Plaintiff's rebuttal case.

6. Any expert testimony concerning Plaintiff's claim for attorneys' fees:

Defendant's Motion is denied as to issue 6.

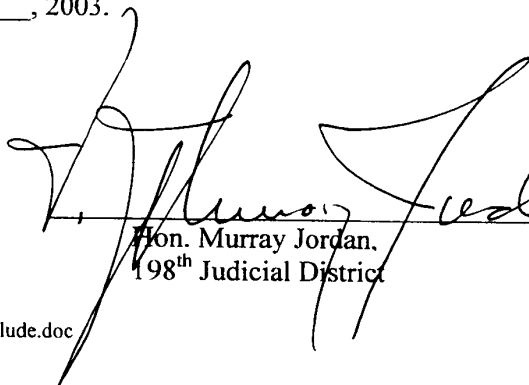
7. Any expert testimony concerning Plaintiff's claim for damages:


Plaintiff has agreed to issue 7 and therefore the Court grants Defendant's Motion as to issue 7.

For each category of offered evidence on which Defendant's Motion is Granted, such offered evidence shall be excluded from admitted evidence. For each category of offered evidence on which Defendant's Motion is Denied, Defendant's objections shall be deemed to apply to such evidence when it is admitted without the necessity of repeating those objections.

Dated this 29 day of July, 2003.

It is so Ordered.


Hon. Murray Jordan,
198th Judicial District



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